

Title	Juvenile Law: Maintaining Children’s Important Relationships (amend Cal. Rules of Court, rules 1410, 1412, 1460, 1461, 1462, 1463, and 1466; revise form JV-365)
Summary	The proposal would conform a number of juvenile rules and a form to the new statutory requirements for maintaining children’s relationships with important individuals, and make other minor rule changes as needed.
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Susan Huguenor, Co-chairs
Staff	Mara Bernstein, 415-865-7728, mara.bernstein@jud.ca.gov Christopher Wu, 415-865-7721, christopher.wu@jud.ca.gov
Discussion	<p>Assembly Bill 408 (Stats. 2003, chapter 813 [Steinberg]), signed into law in 2003, amended Welfare and Institutions Code sections 349, 366, 366.1, 366.21, 366.22, 366.26, 366.3, 391, 10609.4, 16206, 16500.1, 16501.1 and added section 362.05. These statutory changes are primarily related to ensuring that children in foster care retain or reestablish important relationships with individuals other than parents or siblings. The new and revised statutes also address other issues, including notice and requirements regarding children’s presence in court proceedings.</p> <p>The intent of AB 408 was to achieve permanency for older children in foster care and reduce reliance on long-term foster care for these children. The author's office noted that, "The ultimate goal is to ensure that no child is emancipated without a connection, a real committed relationship to a caring adult." Examples of such caring adults include teachers, coaches, mentors, clergymen and women, neighbors, family friends and former foster parents. Further, the Legislature intended that the inquiry into such relationships may result in finding a potential permanent placement for the child.</p> <p>AB 408 was supported by a large number of organizations and entities interested in child welfare, including: the Family Law Section of the State Bar of California, Juvenile Court Judges of California (CJA), California Court Appointed Special Advocate (CASA) Association, California Youth Connection (a foster youth organization) and a number of children’s law offices, child advocacy groups, and local governments.</p> <p>The proposed amendments would conform rules 1410, 1412, 1460,</p>

1461, 1462, 1463, and 1466 to the new statutory language. The rule revisions also include technical changes, including correcting typographical errors and inadvertent omissions of necessary statutory language unrelated to AB 408. The amendments include the following:

- Rule 1410 (Persons present) would be amended to indicate that anyone entitled to notice under Welfare and Institutions Code sections 290.1 and 290.2 is entitled to be present (rule 1410(b)(11)).
- Rule 1412 (General provisions—proceedings) would be amended to add the new requirement that the court determine whether children have been properly notified of their right to attend court hearings, if those children are not present (rule 1412(n)).
- Rule 1460 (Six-month review hearing) would be amended to reference the newly expanded requirements for social worker reports (rule 1460(c)(1)(C)); to reference the required court findings in section 366.1 (rule 1460(e)(2)(C)); and to correct omissions regarding the required findings and orders when a 366.26 hearing is set (rule 1460(f)(2)) as well as the procedure when six months of additional reunification services are to be offered (rule 1460j(f)(11)).
- Rule 1461 (Twelve-month review hearing) and rule 1462 (Eighteen-month review hearing) would be amended to reference the required court findings in section 366.1 (rules 1461(b)(3) and 1462(b)(3)); to add a warning to parents that a 366.26 hearing may be set if the child doesn't return home at the 18-month hearing (rule 1461(d)(1)); to add the newly required findings and orders regarding maintaining children's relationships with significant individuals in addition to siblings (rules 1461(d)(2), (4) and 1462(c)(3)(A), (c)(4)) (sibling relationships continue to be protected by Welfare and Institutions Code sections 361.5(a)(3), 16001.9, and 16002); and to correct omissions regarding social worker report requirements (rule 1462(b)) and termination of reunification services (rule 1462(c)(6)).
- Rule 1463 (Selection of a permanent plan) would be amended to include a new section about the child's presence in court

(rule 1463(d)) and to require that some children placed in group homes be asked to identify potential guardians (rule 1463(e)(6)).

- Rule 1466 (Hearings subsequent to a permanent plan) would be amended to require the court to inquire about the progress being made toward finding a permanent home for the child and to enter findings as required by section 366.3 (rule 1466(a), (b)); to correct a typographical error regarding a form number (rule 1466(d)); and to make other technical changes.

The proposed revisions to form JV-365, *Termination of Dependency Jurisdiction (Child Attaining Age of Majority)(Juvenile)*, add a check box for the child to indicate if he or she has been provided with the required assistance in maintaining important relationships, and correct a typographical error.

The rules in this proposal have also been amended to reflect the policy of the council, effective January 1, 2001, to draft rules in plain English.

The text of the proposed amended rules is attached at pages 4–14.

The proposed revised form is attached at page 15.

The relevant portions of Assembly Bill 408 are attached at pages 16–47.

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Attachments

Rules 1410, 1412, 1460, 1461, 1462, 1463, and 1466 of the California Rules of Court would be amended, effective January 1, 2005, to read:

**Rule 1410. Persons present**

(a) **[Separate session; restriction on persons present (§§ 345, 675)]** All juvenile court proceedings ~~shall~~ must be heard at a special or separate session of the court, and no other matter ~~shall~~ may be heard at that session. No person on trial, awaiting trial, or accused of a crime, other than a parent, de facto parent, guardian, or relative of the child, ~~shall be~~ is permitted to be present at the hearing, except while testifying as a witness.

(b) **[Persons present (§§ 280, 290.1, 290.2, 332, ~~335~~, 347, 349, 353, 656, 658, 677, 679, 681, 700; 25 U.S.C. §§ 1911, 1931–1934)]** The following persons are entitled to be present:

(1)–(9) \*\*\*

(10) At the court’s discretion, a bailiff.;

(11) Any other persons entitled to notice of the hearing under sections 290.1 and 290.2 of the Welfare and Institutions Code.

(c)–(e) \*\*\*

**Rule 1412. General provisions—proceedings**

(a)–(m) \*\*\*

(n) **[Presence of child (§ 349)]** If the child is 10 years of age or older and he or she is not present at the hearing, the court must determine whether the minor was properly notified of his or her right to attend the hearing and inquire about the reason that the child is not present at the hearing.

**Rule 1460. Six-month review hearing**

(a)–(b) \*\*\*

(c) **[Report (§§ 366.1, 366.21)]** Before the hearing, petitioner must investigate and file a report describing the services offered the family

1 and progress made and, if relevant, the prognosis for return of the child  
2 to the parent or guardian.

3  
4 (1) The report must contain:

5  
6 (A) Recommendations for court orders and the reasons for those  
7 recommendations; ~~and~~

8  
9 (B) A description of the efforts made to achieve legal permanence  
10 for the child if reunification efforts fail; and

11  
12 (C) A factual discussion of each item listed in section 366.1.

13  
14 (2) At least 10 calendar days before the hearing, the petitioner must  
15 file the report, provide copies to the parent or guardian and their  
16 counsel and to counsel for the child, and provide a summary of the  
17 recommendations to the present custodians of the child and to any  
18 court-appointed child advocate.

19  
20 **(d) \*\*\***

21  
22 **(e) [Determinations—burden of proof (§§ 366, 366.1, 366.21, 364)]**

23  
24 **(1) \*\*\***

25  
26 (2) If the child has been removed from the custody of the parents or  
27 guardians, the court must order the child returned unless the court  
28 finds that petitioner has established by a preponderance of the  
29 evidence that return would create a substantial risk of detriment to  
30 the child. If the child has been removed from the custody of the  
31 parents or guardians, the court must consider whether reasonable  
32 services have been provided or offered. If the child is returned, the  
33 court may order the termination of dependency or order continued  
34 dependency services and set a review hearing within six months.

35  
36 (A) The court must find that:

- 37  
38 (i) Reasonable services have been offered or provided; or  
39 (ii) Reasonable services have not been offered or provided.

40  
41 (B) The following in and of themselves are insufficient to support  
42 a finding that reasonable services have not been offered or  
43 provided:

(i)–(iii) \*\*\*

(C) The court must enter additional findings as required by section 366(a)(1) and (2).

(3)–(5) \*\*\*

**(f) [Conduct of hearing (§ 366.21)]** If the court does not return custody of the child,

(1) The court may set a hearing under section 366.26 within 120 days if:

(A)–(E) \*\*\*

(2) If the court orders a hearing under section 366.26;

(A) The court must direct that an assessment under section 366.21(i) be prepared;

(B) The court must order the termination of reunification services to the parent or legal guardian;

(C) The court may continue to permit the parent or legal guardian to visit the child, unless it finds that visitation would be detrimental; and

(D) The court may make any other appropriate orders to enable the child to maintain relationships with other individuals who are important to the child, consistent with the child’s best interest.

(3)–(10) \*\*\*

(11) If the child is not returned and the court does not set a 366.26 hearing, then the court must order that any reunification services previously ordered will continue to be offered to the parent or guardian, and the court may modify those services as appropriate. The court must set a date for the next review hearing no later than 12 months from the date the child entered foster care.

**(g)–(i) \*\*\***

1  
2  
3 **Rule 1461. Twelve-month review hearing**  
4

5 (a) \*\*\*  
6

7 (b) [Reports (§§ 366.1, 366.21)] Before the hearing the petitioner must  
8 prepare a report describing services offered to the family and progress  
9 made. The report must include:

- 10  
11 (1) Recommendations for court orders and the reasons for those  
12 recommendations, ~~and~~;  
13  
14 (2) A description of the efforts made to achieve legal permanence for  
15 the child if reunification efforts fail; and  
16  
17 (3) A factual discussion of each item listed in section 366.1.  
18

19 (c) \*\*\*  
20

21 (d) [Determinations and orders] The court must ~~proceed as follows~~  
22 either:

- 23  
24 (1) Continue the case for review hearing to a date not later than 18  
25 months from the date of the initial removal; if the court finds a  
26 substantial probability of return within that time or that reasonable  
27 services have not been offered or provided. If the court continues  
28 the case for an 18-month review hearing, the court must inform the  
29 parent or guardian that if the child cannot be returned home by the  
30 next hearing, a proceeding under section 366.26 may be instituted;  
31 or  
32  
33 (2) Order that the child remain in long-term foster care, if it finds by  
34 clear and convincing evidence already presented that the child is  
35 not adoptable and there is no one to serve as guardian. If the child  
36 is 10 years of age or older and is placed in a group home, the court:  
37  
38 (i) Must determine whether the agency has identified individuals,  
39 in addition to the child's siblings, who are important to the  
40 child and will maintain caring, permanent relationships with  
41 the child, consistent with the child's best interest;  
42

(ii) Must determine whether the agency has made reasonable efforts to nurture and maintain the child's relationships with those individuals, consistent with the child's best interest;

(iii) May make any appropriate order to ensure that those relationships are maintained; or

(3) Order a hearing under section 366.26 within 120 days, if the court finds there is no substantial probability of return within 18 months of the date of initial removal and finds by clear and convincing evidence that reasonable services have been provided to the parent or guardian.

~~(4)~~(A) If the court orders a hearing under section 366.26, termination of reunification services must also be ordered. Visitation may continue unless the court finds it would be detrimental to the child. The court may enter any other appropriate orders to enable the child to maintain relationships with other individuals who are important to the child, consistent with the child's best interest.

~~(5)~~(B) \*\*\*

~~(6)~~(C) \*\*\*

~~(7)~~(D) \*\*\*

~~(A)~~(i) \*\*\*

~~(B)~~(ii) \*\*\*

~~(8)~~(E) \*\*\*

~~(9)~~(F) \*\*\*

~~(10)~~(G) \*\*\*

~~(A)~~(i) \*\*\*

~~(B)~~(ii) \*\*\*

~~(11)~~(H) \*\*\*



1                   ~~(12)~~(I) \*\*\*

2  
3                   ~~(13)~~(J) \*\*\*

4  
5                   ~~(A)~~(i) \*\*\*

6  
7                   ~~(B)~~(ii) \*\*\*

8  
9  
10           **(e) \*\*\***

11  
12   **Rule 1462. Eighteen-month review hearing**

13  
14           **(a) [Setting for hearing; notice (§ 366.22)]** If a child was not returned at  
15           the 6- or 12-month review hearing, a permanency review hearing ~~shall~~  
16           must be held no later than 18 months from the date of the initial  
17           removal. Notice of the hearing ~~shall~~ must be given as provided in rule  
18           1460.

19  
20           **(b) [Reports (§§ 366.1, 366.21)]** Before the hearing the petitioner must  
21           prepare a report describing services offered to the family and progress  
22           made. The report must include:

23  
24                   (1) Recommendations for court orders and the reasons for those  
25                   recommendations;

26  
27                   (2) A description of the efforts made to achieve legal permanence for  
28                   the child if reunification efforts fail; and

29  
30                   (3) A factual discussion of each item listed in section 366.1.

31  
32           ~~(b)~~ **(c) [Conduct of hearing (§ 366.22)]** At the hearing the court ~~shall~~ must  
33           state on the record that the court has read and considered the report of  
34           petitioner, the report of any court-appointed child advocate, and other  
35           evidence, and ~~shall~~ must proceed as follows:

36  
37                   (1)–(2) \*\*\*

38  
39                   (3) If the court does not order return, the court ~~shall~~ must specify the  
40                   factual basis for its finding of risk of detriment, terminate  
41                   reunification services, and  
42

1 (A) Order that the child remain in long-term foster care, if it finds  
2 by clear and convincing evidence already presented that the  
3 child is not adoptable and there is no one to serve as  
4 guardian;. If the child is 10 years of age or older and is placed  
5 with a nonrelative, the court:  
6

7 (i) Must determine whether the agency has identified  
8 individuals, in addition to the child's siblings, who are  
9 important to the child and will maintain caring,  
10 permanent relationships with the child, consistent with  
11 the child's best interest;  
12

13 (ii) Must determine whether the agency has made reasonable  
14 efforts to nurture and maintain the child's relationships  
15 with those individuals, consistent with the child's best  
16 interest; and  
17

18 (iii) May make any appropriate order to ensure that those  
19 relationships are maintained; or  
20

21 (B) Order a hearing under section 366.26 within 120 days.  
22

23 (4) Visitation ~~shall~~ must continue unless the court finds it would be  
24 detrimental to the child. The court may enter any other appropriate  
25 orders to enable the child to maintain relationships with other  
26 individuals who are important to the child, consistent with the  
27 child's best interest.  
28

29 (5) The court ~~shall~~ must consider whether reasonable services have  
30 been provided. Evidence that the child has been placed with a  
31 relative or foster family that is eligible to adopt; or has been placed  
32 in a preadoptive home is insufficient alone to support a finding that  
33 reasonable services have not been offered or provided. The court  
34 ~~shall~~ must find that:  
35

36 (A)–(B) \*\*\*  
37

38 (6) If the court orders a hearing under section 366.26, the court ~~shall~~  
39 must terminate reunification services, and direct that an assessment  
40 be prepared as stated in section 366.22(b).  
41

42 (7)–(11) \*\*\*  
43

1       ~~(e)~~**(d)** [Setting a hearing under section 366.26] At the 18-month review  
2       hearing, the court ~~shall~~ must not set a hearing under section 366.26 to  
3       consider termination of the rights of only one parent unless that parent  
4       is the only surviving parent, or the rights of the other parent have been  
5       terminated by a California court of competent jurisdiction or by a court  
6       of competent jurisdiction of another state under the statutes of that state,  
7       or the other parent has relinquished custody of the child to the county  
8       welfare department.

9  
10   **Rule 1463. Selection of permanent plan (§ 366.26)**

11  
12   **(a)–(c) \*\*\***

13  
14   **(d) [Presence of child]** If the child is 10 years of age or older and is not  
15   present at the hearing, the court must determine whether the child was  
16   properly notified of his or her right to attend the hearing and inquire  
17   about the reason that the child is not present. If the child is under 10  
18   years of age, the child should not be present in court unless the child or  
19   the child's counsel so requests or the court so orders.

20  
21   ~~(d)~~**(e) [Conduct of hearing]** At the hearing, the court must state on the  
22   record that the court has read and considered the report of petitioner, the  
23   report of any court-appointed child advocate, and other evidence, and  
24   must proceed as follows:

25  
26   **(1)–(5) \*\*\***

27  
28   **(6)** If the court finds that paragraph (1)(A) or (1)(B) of this subdivision  
29   applies, the court must appoint the present custodian or other  
30   appropriate person to become the child's legal guardian, or must  
31   order the child to remain in long-term foster care. Legal  
32   guardianship must be given preference over long-term foster care  
33   when it is in the interest of the child and a suitable guardian can be  
34   found. A child who is 10 years of age or older who is placed in a  
35   group home must be asked to identify any adults who are  
36   important to him or her in order for the agency to investigate and  
37   the court to determine whether any of those adults would be  
38   appropriate to serve as legal guardians. Younger children may be  
39   asked, as appropriate. The child must not be removed from the  
40   home of a foster parent or relative who is not willing to become a  
41   legal guardian; but ~~who~~ is willing and capable of providing a stable  
42   and permanent home for the child, and with whom the child has  
43   substantial psychological ties, if the court finds the removal would

1 be seriously detrimental to the emotional well-being of the child.  
2 The court must make an order for visitation with the parent or  
3 guardian unless the court finds by a preponderance of the evidence  
4 that the visitation would be detrimental to the child.

5  
6 (7) \*\*\*

7  
8 **(e)(f) [Procedures—termination of parental rights]**

9  
10 (1)–(3) \*\*\*

11  
12 **(f)(g) [Procedures—legal guardianship]** The proceedings for  
13 appointment of a legal guardian for a dependent child of the juvenile  
14 court must be in the juvenile court as provided in rule 1465.

15  
16 **(g)(h) [Purpose of termination of parental rights]** The purpose of  
17 termination of parental rights is to free the dependent child for adoption.  
18 Therefore, the court must not terminate the rights of only one parent  
19 unless that parent is the only surviving parent, or the rights of the other  
20 parent have been terminated by a California court of competent  
21 jurisdiction or by a court of competent jurisdiction of another state  
22 under the statutes of that state, or the other parent has relinquished  
23 custody of the child to the county welfare department. The rights of the  
24 mother, any presumed father, any alleged father, and any unknown  
25 father or fathers must be terminated in order to free the child for  
26 adoption.

27  
28 **(h)(i) [Advice of appeal rights]** The court must advise all parties of their  
29 appeal rights as provided in rule 1435.

30  
31 **Rule 1466. Hearings subsequent to a permanent plan (§§ 366.26, 366.3, 391)**

32  
33 **(a) [Review hearings—adoption and guardianship]** Following ~~the~~ an  
34 order for termination of parental rights or a plan for the establishment of  
35 a guardianship under section 366.26, the court ~~shall~~ must retain  
36 jurisdiction and conduct review hearings every six months to ensure the  
37 expeditious completion of the adoption or guardianship.

38  
39 **(1)** At the review hearing, the court ~~shall~~ must consider the report of  
40 the petitioner, as required by section 366.3(f), and the report of any  
41 court-appointed child advocate; inquire about the progress being  
42 made to provide a permanent home for the child; consider the

1                    safety of the child; and enter findings as required by section  
2                    366.3(e).

3  
4            (2) When adoption is granted, the court ~~shall~~ must terminate its  
5            jurisdiction.

6  
7            (3) When legal guardianship is granted, the court may continue  
8            dependency jurisdiction if it is in the best interests of the child, or  
9            the court may terminate dependency jurisdiction and retain  
10           jurisdiction over the child as a ward of the guardianship.

11  
12           (4) Notice of the hearing ~~shall~~ must be given as provided in rule 1460  
13           and to the guardian if one has been appointed. Parents are to be  
14           given notice of all hearings unless their parental rights have been  
15           terminated.

16  
17        (b) **[Review hearings—foster care]** Following the establishment of a plan  
18        other than those provided for in subsection (a) of this rule for long-term  
19        foster care, or when the court has authorized the filing of a petition  
20        under Part 4 (commencing with section 7800) of Division 12 of the  
21        Family Code or freed the child for adoption but the child is not placed  
22        in an adoptive home, review hearings ~~shall~~ must be conducted every six  
23        months by the court or by a local review board.

24  
25           (1) At the review hearing, the court or review board ~~shall~~ must  
26           consider the report of the petitioner and the report of any court-  
27           appointed child advocate-, inquire about the progress being made  
28           to provide a permanent home for the child, consider the safety of  
29           the child, and enter findings regarding each item listed in section  
30           366.3(e).

31  
32           (2) No less frequently than once every 12 months, the court ~~shall~~ must  
33           conduct a review of the previously ordered permanent plan to  
34           consider whether the plan continues to be appropriate for the child.  
35           The 12-month review may be combined with the ~~six~~ 6-month  
36           review.

37  
38           (3) If circumstances have changed since the permanent plan was  
39           ordered, the court may order a new permanent plan under section  
40           366.26 at any subsequent hearing, or any party may seek a new  
41           permanent plan by a motion filed under rule 1432.  
42

1 (4) Notice of the hearing ~~shall~~ must be given as provided in rule 1460.  
2 Parents are to be given notice of all hearings unless their parental  
3 rights have been terminated.  
4

5 (5) The court ~~shall~~ must continue the child in foster care unless the  
6 parents prove, by a preponderance of the evidence, that further  
7 efforts at reunification are the best alternative for the child. In  
8 those cases, the court may order reunification services for a period  
9 not to exceed six months.  
10

11 ~~(4)~~(6) At a review held 12 months after an original or subsequent  
12 order for the child to remain in ~~long-term~~ foster care, the court  
13 ~~shall~~ must consider all permanency planning options, including  
14 whether the child should be returned to a parent or guardian,  
15 placed for adoption, or appointed a legal guardian, ~~or, should~~  
16 ~~remain in long-term foster care~~  
17

18 ~~(2)~~(7) At a review held 12 months after an original or subsequent  
19 order for the child to remain in foster care, the court shall must  
20 order a hearing under section 366.26 unless the court finds by clear  
21 and convincing evidence that there is a compelling reason for  
22 determining that a 366.26 hearing is not in the child's best interest  
23 because the child is being returned to the home of the parent, the  
24 child is not a proper subject for adoption or that there is no one  
25 available to assume guardianship.  
26

27 ~~(3)~~(8) If the court makes the findings in ~~subsection~~ division (27), the  
28 court may ~~then~~ order that the child ~~to~~ remain in ~~long-term~~ foster  
29 care.  
30

31 (c) \*\*\*  
32

33 (d) **[Hearings on termination of jurisdiction—child reaching age of**  
34 **majority (§ 391)]** Petitioner must file form JV-~~356~~365, *Termination of*  
35 *Dependency Jurisdiction (Child Attaining Age of Majority) (Juvenile)*  
36 with the court at least 10 calendar days before the hearing to terminate  
37 dependency jurisdiction and must provide copies to the child, the  
38 parents or guardians, any Court Appointed Special Advocate (CASA),  
39 and all counsel of record at least 10 calendar days before the hearing.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 8</b> <b>03/08/04</b> <b>CFCC/mc</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b>  STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____ CHILD'S DATE OF BIRTH: _____ HEARING DATE: _____ DEPT. _____	
<b>TERMINATION OF DEPENDENCY JURISDICTION</b> <b>(Child Attaining Age of Majority)</b> <b>(Juvenile)</b>	

CASE NUMBER: \_\_\_\_\_

1. ☐ The child has indicated that he or she intends to be present at the termination hearing.  
☐ The child does not wish to attend the termination hearing. The Petitioner has attached verification that the child has been informed of the potential consequences of failure to attend the termination hearing.  
☐ The child is unavailable and/or has refused to sign this form. Evidence of reasonable efforts to locate the child and to obtain the child's signature is attached.
2. ☐ Attached is a report verifying that the child has received written information concerning his or her dependency case--including information about the child's family history, the child's placement history, the whereabouts of any siblings under the jurisdiction of the juvenile court, the procedures for accessing the documents the child is entitled to inspect under Welfare and Institutions Code section 827, and the date on which the jurisdiction of the court would be terminated.
3. The child has been provided with the following documents:
  - ☐ Certified birth certificate
  - ☐ Social security card
  - ☐ Identification card and/or driver's license
  - ☐ Proof of citizenship or residency status
  - ☐ Death certificate of parent or parents, if applicable
4. The following assistance has been provided (please have the child initial each item below):
  - ☐ Application for Medi-Cal or other health insurance has been completed.
  - ☐ Application for college, vocational training program, or other educational or employment program has been completed.
  - ☐ Information on obtaining, or application to obtain, financial assistance for educational and employment programs has been provided.
  - ☐ Referral to transitional housing, if available, or assistance in securing other housing has been provided.
  - ☐ Information regarding financial support has been provided.
  - ☐ Assistance has been provided in maintaining relationships with individuals who are important to the child, based on the child's best interest.
  - ☐ Other services have been ordered by the court (*specify*): \_\_\_\_\_

I certify that I have received information and services described above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Child's Signature

I declare under penalty of perjury under the laws of the State of California that the foregoing and all the attachments are true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Social Worker

CALIFORNIA 2003 LEGISLATIVE SERVICE  
2003 Portion of 2003-2004 Regular Session

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Additions are indicated by **Text**; deletions by  
\*\*\*. Changes in tables are made but not highlighted.

CHAPTER 813  
A.B. No. 408  
SOCIAL SERVICES--FOSTER CARE--DEPENDENT OR NEGLECTED CHILDREN

AN ACT to amend Sections 349, 366, 366.1, 366.21, 366.22, 366.26, 366.3, 391, 10609.4, 16206, 16500.1, and 16501.1 of, and to add Section 362.05 to, the Welfare and Institutions Code, relating to dependent children.

[Filed with Secretary of State October 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 408, Steinberg. Dependent children.

(1) Existing law provides that children may become dependent children of the juvenile court on the basis of abuse or neglect. Existing law requires social workers and other specified persons or agencies to prepare social studies, reports, evaluations, assessments, and supplemental reports for the juvenile court containing specified information regarding children who are, or who may become, dependent children of the juvenile court. Existing law also requires county welfare departments to provide or arrange for permanent placement services for children who cannot safely live with their parents and are not likely to return to their own homes.

Existing law requires the court to review the status of every child in foster care at least every 6 months, to determine specified facts concerning the child, and to consider permanency planning options regarding a child who is in long-term foster care, as specified. Existing law also authorizes the court to terminate parental rights in certain cases. Existing law also requires social workers and the clerk of the court to send notice of hearings in the juvenile court concerning a child who is, or who may become, a dependent child of the court to that child if he or she is 10 years of age or older. Existing law further requires the county welfare department to submit a report at any hearing to terminate jurisdiction over a dependent child who has reached the age of majority, verifying that specified information and services have been provided to the dependent child.

This bill would require the court to determine whether the placing agency has made reasonable efforts to maintain a child's relationships with individuals who are important to a child who is 10 years of age or older and who is placed in a group home, and make any order to ensure that actions are taken to maintain those



relationships. In specified circumstances, the bill would require social workers and certain agencies, as specified, to make efforts to identify those persons and to make efforts to maintain those relationships. If a court orders a hearing to terminate parental rights, the bill would require the court to make any appropriate order to enable the child to maintain those relationships. The bill would require social workers and those agencies to ask every child who is 10 years of age or older to identify those persons, consistent with the child's best interest. The bill would also authorize them to ask any child who is younger than 10 years of age to identify those persons. The bill would require that certain assessments include a description of efforts made to identify a prospective adoptive parent. By imposing new duties on local employees, the bill would create a state-mandated local program.

This bill would also revise the permanency planning options a court must consider regarding a child who is in foster care.

This bill would require that the notice of a hearing in the juvenile court that is sent to a child who is 10 years of age or older state that the child has the right to attend the hearing. The bill would also require the court to determine whether a minor who is 10 years of age or older and who is not present at the hearing was properly notified of his or her right to attend the hearing and to inquire as to the reason why the child is not present.

This bill would further require the county welfare department to provide information to a dependent child who has reached the age of majority on maintaining relationships with individuals who are important to the child, and to verify in the report submitted to the court that this information has been provided. By imposing additional duties on county welfare departments, the bill would create a state-mandated local program.

(2) Existing law encourages the development of approaches to child protection to achieve certain goals, including the goal of ensuring that children leaving the foster care system have support within their communities.

This bill would additionally require the state to encourage the development of approaches to child protection that ensure that no child leaves foster care without a lifelong connection to a committed adult. The bill would provide that every dependent child shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities, and that state and local regulations and policies may not prevent or create barriers to participation in those activities. The bill would also require state and local entities to ensure that private agencies that provide foster care services to dependent children promote and protect the ability of dependent children to participate in those activities.

(3) Existing federal law establishes the Independent Living Program for foster youth to be administered by counties with federal and state funds.

Existing law requires each county department of social services to include in

its annual Independent Living Program report an accounting of federal and state funds allocated for implementation of the program. Existing law provides that expenditures must be related to the specific purposes of the program and provides a descriptive list of the purposes the program may include. Those purposes include providing each participant in the program with a written transitional independent living plan that will be incorporated in his or her case plan.

This bill would revise the list of permissible program purposes to include convening persons who have been identified by the participant as important to him or her for the purpose of providing information to be included in his or her written transitional independent living plan.

(4) Existing law establishes the Child Welfare Training Program to provide training to meet the needs of county child protective services social workers.

This bill would require this training to include the importance of maintaining specified child relationships with important individuals and methods to identify those individuals.

(5) Existing law provides that the foundation and central unifying tool in child welfare services is the case plan, and specifies the contents thereof.

This bill would require a case plan for a child 16 years of age or older, when appropriate, to include a written description of programs and services to assist the child in independent living, and require the case plan to be developed with the child and other persons who are important to the child. The bill would also require specified case plans to contain information about individuals who are important to a child. The bill would require social workers to make an effort to identify those individuals. By imposing additional duties on county welfare departments, the bill would create a state-mandated local program.

(6) The bill would incorporate the substance of further changes to Section 366.21 of the Welfare and Institutions Code proposed by AB 579, and to Section 16501.1 of the Welfare and Institutions Code proposed by AB 1151, AB 490, and SB 591, contingent upon their prior enactment, respectively.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 349 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 349 >>

349. A minor who is the subject of a juvenile court hearing and any person entitled to notice of the hearing under the provisions of ~~\*\*\*Sections 290.1 and 290.2~~, is entitled to be present at ~~the~~ hearing. ~~\*\*\*The~~ minor and any ~~\*\*\*~~person ~~who is entitled to that notice~~ has the right to be represented at ~~the~~ hearing by counsel of his or her own choice. ~~If the minor is 10 years of age or older and he or she is not present at the hearing, the court shall determine whether the minor was properly notified of his or her right to attend the hearing.~~

SEC. 2. Section 362.05 is added to the Welfare and Institutions Code, to read:

<< CA WEL & INST § 362.05 >>

362.05. Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent or create barriers to participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. Caregivers shall use a prudent parent standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. The caretaker shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level.

SEC. 3. Section 366 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 366 >>

366. (a)(1) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:

(A) The continuing necessity for and appropriateness of the placement.

(B) The extent of the agency's compliance with the case plan in making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, ~~including efforts to maintain relationships between a child who is 10 years of age or older who is placed in a group home, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.~~

(C) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed those necessary to protect the child. Whenever the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child pursuant to Section 361.

(D)(i) Whether the child has other siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(I) The nature of the relationship between the child and his or her siblings.

(II) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(III) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(IV) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(V) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(VI) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

(ii) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(E) The extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care.

(2) The court shall project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption, legal guardianship, or in another planned permanent living arrangement.

(b) Subsequent to the hearing, periodic reviews of each child in foster care shall be conducted pursuant to the requirements of Sections 366.3 and 16503.

(c) If the child has been placed out of state, each review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall also address whether the out-of-state placement continues to be the most appropriate placement selection and in the best interests of the child.

(d) A child may not be placed in an out-of-state group home, or remain in an out-of-state group home, unless the group home is in compliance with Section 7911.1 of the Family Code.

SEC. 4. Section 366.1 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 366.1 >>

366.1. Each supplemental report required to be filed pursuant to Section 366 shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department social worker has considered child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered those services to qualified parents if appropriate under the circumstances.

(b) What plan, if any, for the return and maintenance of the child in a safe home is recommended to the court by the county welfare department social worker.

(c) Whether the subject child appears to be a person who is eligible to be considered for further court action to free the child from parental custody and control.

(d) What actions, if any, have been taken by the parent to correct the problems that caused the child to be made a dependent child of the court.

(e) If the parent or guardian is unwilling or unable to participate in making an educational decision for his or her child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational decisions for the child, the county welfare department or social worker shall consider whether the right of the parent or guardian to make educational decisions for the child should be limited. If the supplemental report makes that recommendation, the report shall identify whether there is a responsible adult available to make educational decisions for the child pursuant to Section 361.

(f)(1) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(2) The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships, including, but not limited to, whether the siblings were raised together in the same home, whether the siblings have shared

significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(g) Whether a child who is 10 years of age or older who is placed in a group home has relationships with individuals other than the child's siblings that are important to the child, consistent with the child's best interests, and actions taken to maintain those relationships. The social worker shall ask every child who is 10 years of age or older who is placed in a group home to identify any individuals other than the child's siblings who are important to the child, consistent with the child's best interest, and may ask any child who is younger than 10 years of age to provide that information, as appropriate.

SEC. 5. \* \* \* [text not included here because section not enacted]

SEC. 5.5. Section 366.21 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 366.21 >>

366.21. (a) Every hearing conducted by the juvenile court reviewing the status of a dependent child shall be placed on the appearance calendar. The court shall advise all persons present at the hearing of the date of the future hearing and of their right to be present and represented by counsel.

(b) Except as provided in ~~\*\*\*~~Sections 294 and 295, notice of the hearing shall be ~~\*\*\*~~provided pursuant to Section 293.

~~\*\*\*~~

(c) At least 10 calendar days prior to the hearing, the social worker shall file a supplemental report with the court regarding the services provided or offered to the parent or legal guardian to enable him or her to assume custody and the efforts made to achieve legal permanence for the child if efforts to reunify fail, including, but not limited to, efforts to maintain relationships between the child and individuals who are important to the child, the progress made, and, where relevant, the prognosis for return of the child to the physical custody of his or her parent or legal guardian, and shall make his or her recommendation for disposition. If the child is a member of a sibling group described in paragraph (3) of subdivision (a) of Section 361.5, the report and recommendation may also take into account those factors described in subdivision (e) relating to the child's sibling group. If the recommendation is not to return the child to a parent or legal guardian, the report shall specify why the return of the child would be detrimental to the child. The social worker shall provide the parent or legal guardian and counsel for the child with a copy of the report, including his or her recommendation for disposition, at least 10 calendar days prior to the hearing. In the case of a child removed from the physical custody of his or her parent or legal guardian, the social worker shall, at least 10 calendar days prior to the hearing, provide a summary of his or her recommendation for disposition to any court-appointed child advocate, and any foster parents, relative caregivers, certified foster parents who have been approved for adoption by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, community care facility, or foster family agency having the physical custody of the child.

(d) Prior to any hearing involving a child in the physical custody of a community care facility or a foster family agency that may result in the return of the child to the physical custody of his or her parent or legal guardian, or in adoption or the creation of a legal guardianship, the facility or agency shall file with the court a report containing its recommendation for disposition. Prior to the hearing involving a child in the physical custody of a foster parent, a relative caregiver, or a certified foster parent who has been approved for adoption by the State Department of Social Services when it is acting as an adoption agency or by a licensed adoption agency, the foster parent, relative caregiver, or the certified foster parent who has been approved for adoption by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, may file with the court a report containing his or her recommendation for disposition. The court shall consider the report and recommendation filed pursuant to this subdivision prior to determining any disposition.

(e) At the review hearing held six months after the initial dispositional hearing, the court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5; and shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided.

Whether or not the child is returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that the return would be detrimental or would not be detrimental. The court also shall make appropriate findings pursuant to subdivision (a) of Section 366; and, where relevant, shall order any additional services reasonably believed to facilitate the return of the child to the custody of his or her parent or legal guardian. The court shall also inform the parent or legal guardian that if the child cannot be returned home by the 12-month permanency hearing, a proceeding pursuant to Section 366.26 may be instituted. This section does not apply in a case where, pursuant to Section 361.5, the court has ordered that reunification services shall not be provided.

If the child was under the age of three years on the date of the initial removal, or is a member of a sibling group described in paragraph (3) of subdivision (a) of Section 361.5, and the court finds by clear and convincing evidence that the parent failed to participate regularly and make substantive progress in a court-ordered treatment plan, the court may schedule a hearing pursuant to Section 366.26 within 120 days. If, however, the court finds there is a substantial probability that the child, who was under the age of three years on the date of initial removal or is a member of a sibling group described in paragraph (3) of subdivision (a) of Section 361.5, may be returned to his or her parent or legal guardian within six months or that reasonable services have not been provided, the court shall continue the case to the 12-month permanency hearing.

For the purpose of placing and maintaining a sibling group together in a permanent home, the court, in making its determination to schedule a hearing pursuant to

Section 366.26 for some or all members of a sibling group, as described in paragraph (3) of subdivision (a) of Section 361.5, shall review and consider the social worker's report and recommendations. Factors the report shall address, and the court shall consider, may include, but need not be limited to, whether the sibling group was removed from parental care as a group, the closeness and strength of the sibling bond, the ages of the siblings, the appropriateness of maintaining the sibling group together, the detriment to the child if sibling ties are not maintained, the likelihood of finding a permanent home for the sibling group, whether the sibling group is currently placed together in a preadoptive home or has a concurrent plan goal of legal permanency in the same home, the wishes of each child whose age and physical and emotional condition permits a meaningful response, and the best interest of each child in the sibling group. The court shall specify the factual basis for its finding that it is in the best interest of each child to schedule a hearing pursuant to Section 366.26 in 120 days for some or all of the members of the sibling group.

If the child was removed initially under subdivision (g) of Section 300 and the court finds by clear and convincing evidence that the whereabouts of the parent are still unknown, or the parent has failed to contact and visit the child, the court may schedule a hearing pursuant to Section 366.26 within 120 days. If the court finds by clear and convincing evidence that the parent has been convicted of a felony indicating parental unfitness, the court may schedule a hearing pursuant to Section 366.26 within 120 days.

If the child had been placed under court supervision with a previously noncustodial parent pursuant to Section 361.2, the court shall determine whether supervision is still necessary. The court may terminate supervision and transfer permanent custody to that parent, as provided for by paragraph (1) of subdivision (b) of Section 361.2.

In all other cases, the court shall direct that any reunification services previously ordered shall continue to be offered to the parent or legal guardian pursuant to the time periods set forth in subdivision (a) of Section 361.5, provided that the court may modify the terms and conditions of those services.

If the child is not returned to his or her parent or legal guardian, the court shall determine whether reasonable services that were designed to aid the parent or legal guardian in overcoming the problems that led to the initial removal and the continued custody of the child have been provided or offered to the parent or legal guardian. The court shall order that those services be initiated, continued, or terminated.

(f) The permanency hearing shall be held no later than 12 months after the date the child entered foster care, as that date is determined pursuant to subdivision (a) of Section 361.5. At the permanency hearing, the court shall determine the permanent plan for the child, which shall include a determination of whether the child will be returned to the child's home and, if so, when, within the time limits of subdivision (a) of Section 361.5. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. The court shall also determine whether reasonable services that were designed to aid the parent or legal guardian to overcome the problems that led to the initial removal and continued custody of the child have been provided or offered to the parent or legal guardian.



For each youth 16 years of age and older, the court shall also determine whether services have been made available to assist him or her in making the transition from foster care to independent living. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5, shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided, and shall make appropriate findings pursuant to subdivision (a) of Section 366.

Whether or not the child is returned to his or her parent or legal guardian, the court shall specify the factual basis for its decision. If the child is not returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that the return would be detrimental. The court also shall make a finding pursuant to subdivision (a) of Section 366.

(g) If the time period in which the court-ordered services were provided has met or exceeded the time period set forth in paragraph (1), (2), or (3) of subdivision (a) of Section 361.5, as appropriate, and a child is not returned to the custody of a parent or legal guardian at the permanency hearing held pursuant to subdivision (f), the court shall do one of the following:

(1) Continue the case for up to six months for a permanency review hearing, provided that the hearing shall occur within 18 months of the date the child was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian. For the purposes of this section, in order to find a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time, the court shall be required to find all of the following:

(A) That the parent or legal guardian has consistently and regularly contacted and visited with the child.

(B) That the parent or legal guardian has made significant progress in resolving problems that led to the child's removal from the home.

(C) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her treatment plan and to provide for the child's safety, protection, physical and emotional well-being, and special needs.

For purposes of this subdivision, the court's decision to continue the case based on a finding or substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interests of the child.

The court shall inform the parent or legal guardian that if the child cannot be returned home by the next permanency review hearing, a proceeding pursuant to Section 366.26 may be instituted. The court shall not order that a hearing pursuant to Section 366.26 be held unless there is clear and convincing evidence

that reasonable services have been provided or offered to the parent or legal guardian.

(2) Order that a hearing be held within 120 days, pursuant to Section 366.26, but only if the court does not continue the case to the permanency planning review hearing and there is clear and convincing evidence that reasonable services have been provided or offered to the parents or legal guardians.

(3) Order that the child remain in long-term foster care, but only if the court finds by clear and convincing evidence, based upon the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship. For purposes of this section, a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency that adoption is not in the best interest of the child shall constitute a compelling reason for the court's determination. That recommendation shall be based on the present circumstances of the child and shall not preclude a different recommendation at a later date if the child's circumstances change.

If the court orders that a child who is 10 years of age or older remain in long-term foster care at a group home, the court shall determine whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained.

(h) In any case in which the court orders that a hearing pursuant to Section 366.26 shall be held, it shall also order the termination of reunification services to the parent or legal guardian. The court shall continue to permit the parent or legal guardian to visit the child pending the hearing unless it finds that visitation would be detrimental to the child. The court shall make any other appropriate orders to enable the child to maintain relationships with other individuals who are important to the child.

(i) Whenever a court orders that a hearing pursuant to Section 366.26 shall be held, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include:

(1) Current search efforts for an absent parent or parents or legal guardians.

(2) A review of the amount of and nature of any contact between the child and his or her parents or legal guardians and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purpose of this paragraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(3) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(4) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or legal guardian, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, and the relative was assessed for foster care placement of the minor prior to January 1, 1998, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3.

(5) The relationship of the child to any identified prospective adoptive parent or legal guardian, the duration and character of the relationship, the motivation for seeking adoption or guardianship, and a statement from the child concerning placement and the adoption or guardianship, unless the child's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(6) A description of efforts to be made to identify a prospective adoptive parent or legal guardian, including, but not limited to, child specific recruitment and listing on an adoption exchange.

(7) An analysis of the likelihood that the child will be adopted if parental rights are terminated.

(j) If, at any hearing held pursuant to Section 366.26, a guardianship is established for the minor with a relative, and juvenile court dependency is subsequently dismissed, the relative shall be eligible for aid under the Kin- GAP program as provided in Article 4.5 (commencing with Section 11360) of Chapter 2 of Part 3 of Division 9.

(k) As used in this section, "relative" means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

(l) For purposes of this section, evidence of any of the following circumstances shall not, in and of itself, be deemed a failure to provide or offer reasonable services:

(1) The child has been placed with a foster family that is eligible to adopt a child, or has been placed in a preadoptive home.

(2) The case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail.

(3) Services to make and finalize a permanent placement for the child, if efforts to reunify fail, are provided concurrently with services to reunify the family.

SEC. 6. Section 366.22 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 366.22 >>

366.22. (a) When a case has been continued pursuant to paragraph (1) of subdivision (g) of Section 366.21, the permanency review hearing shall occur within 18 months after the date the child was originally removed from the physical custody of his or her parent or legal guardian. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5; shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided; and shall make appropriate findings pursuant to subdivision (a) of Section 366.

Whether or not the child is returned to his or her parent or legal guardian, the court shall specify the factual basis for its decision. If the child is not returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that return would be detrimental.

If the child is not returned to a parent or legal guardian at the permanency review hearing, the court shall order that a hearing be held pursuant to Section 366.26 in order to determine whether adoption, guardianship, or long-term foster care is the most appropriate plan for the child. However, if the court finds by clear and convincing evidence, based on the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason, as described in paragraph (2) of subdivision (g) of Section 366.21, for determining that a hearing held under Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship, then the court may, only under these circumstances, order that the child remain in ~~\*\*\*~~foster care. If the court orders that a child who is 10 years of age or older remain in long-term foster care with a nonrelative, the court shall determine whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained. The hearing shall be held no later than 120 days from the date of the permanency review hearing. The court shall also order termination of reunification services to the parent or legal guardian. The court shall continue to permit the parent or legal guardian to visit the child unless it finds that visitation would be detrimental to the child. The court shall determine whether reasonable services have been offered or provided to the parent or legal guardian. For purposes of this subdivision, evidence of any of the following circumstances shall not, in and of themselves, be deemed a failure to provide or offer reasonable services:

(1) The child has been placed with a foster family that is eligible to adopt a child, or has been placed in a preadoptive home.

(2) The case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail.

(3) Services to make and finalize a permanent placement for the child, if efforts to reunify fail, are provided concurrently with services to reunify the family.

(b) Whenever a court orders that a hearing pursuant to Section 366.26 shall be held, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include:

(1) Current search efforts for an absent parent or parents.

(2) A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purposes of this paragraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(3) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(4) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or legal guardian, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed legal guardian is a relative of the minor, and the relative was assessed for foster care placement of the minor prior to January 1, 1998, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3.

(5) The relationship of the child to any identified prospective adoptive parent or legal guardian, the duration and character of the relationship, the motivation for seeking adoption or legal guardianship, and a statement from the child concerning placement and the adoption or legal guardianship, unless the child's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(6) An analysis of the likelihood that the child will be adopted if parental rights are terminated.

(c) This section shall become operative January 1, 1999. If at any hearing held pursuant to Section 366.26, a legal guardianship is established for the minor with a relative, and juvenile court dependency is subsequently dismissed, the relative shall be eligible for aid under the Kin-GAP program as provided in Article 4.5 (commencing with Section 11360) of Chapter 2 of Part 3 of Division 9.

(d) As used in this section, "relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

SEC. 7. Section 366.26 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 366.26 >>

366.26. (a) This section applies to children who are adjudged dependent children of the juvenile court pursuant to subdivision (c) of Section 360. The procedures specified herein are the exclusive procedures for conducting these hearings; Part 2 (commencing with Section 3020) of Division 8 of the Family Code is not applicable to these proceedings. Section 8714.7 of the Family Code is applicable and available to all dependent children meeting the requirements of that section, if the postadoption contact agreement has been entered into voluntarily. For children who are adjudged dependent children of the juvenile court pursuant to subdivision (c) of Section 360, this section and Sections 8604, 8605, 8606, and 8700 of the Family Code and Chapter 5 (commencing with Section 7660) of Part 3 of Division 12 of the Family Code specify the exclusive procedures for permanently terminating parental rights with regard to, or establishing legal guardianship of, the child while the child is a dependent child of the juvenile court.

(b) At the hearing, that shall be held in juvenile court for all children who are dependents of the juvenile court, the court, in order to provide stable, permanent homes for these children, shall review the report as specified in Section 361.5, 366.21, or 366.22, shall indicate that the court has read and considered it, shall receive other evidence that the parties may present, and then shall make findings and orders in the following order of preference:

(1) Terminate the rights of the parent or parents and order that the child be placed for adoption and, upon the filing of a petition for adoption in the juvenile court, order that a hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted.

(2) On making a finding under paragraph (3) of subdivision (c), identify adoption as the permanent placement goal and order that efforts be made to locate an appropriate adoptive family for the child within a period not to exceed 180 days.

(3) Appoint a legal guardian for the child and order that letters of guardianship issue.

(4) Order that the child be placed in long-term foster care, subject to the periodic review of the juvenile court under Section 366.3.

In choosing among the above alternatives the court shall proceed pursuant to subdivision (c).

(c)(1) If the court determines, based on the assessment provided as ordered under subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22, and any other relevant evidence, by a clear and convincing standard, that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption. The fact that the child is not yet placed in a preadoptive home nor with a relative or foster family who is prepared to adopt the child, shall not constitute a basis for the court to conclude that it is not likely the child will be adopted. A finding under subdivision (b) or paragraph (1) of subdivision (e) of Section 361.5 that reunification services shall not be offered, under subdivision (e) of Section 366.21 that the whereabouts of a parent have been unknown for six months or that the parent has failed to visit or contact the child for six months or that the parent has been convicted of a felony indicating parental unfitness, or, under Section 366.21 or 366.22, that the court has continued to remove the child from the custody of the parent or guardian and has terminated reunification services, shall constitute a sufficient basis for

termination of parental rights unless the court finds a compelling reason for determining that termination would be detrimental to the child due to one or more of the following circumstances:

(A) The parents or guardians have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.

(B) A child 12 years of age or older objects to termination of parental rights.

(C) The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

(D) The child is living with a relative or foster parent who is unable or unwilling to adopt the child because of exceptional circumstances, that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment and the removal of the child from the physical custody of his or her relative or foster parent would be detrimental to the emotional well-being of the child. This subparagraph does not apply to any child who is living with a nonrelative and who is either (i) under six years of age or (ii) a member of a sibling group where at least one child is under six years of age and the siblings are, or should be, permanently placed together.

(E) There would be substantial interference with a child's sibling relationship, taking into consideration the nature and extent of the relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether ongoing contact is in the child's best interest, including the child's long-term emotional interest, as compared to the benefit of legal permanence through adoption.

If the court finds that termination of parental rights would be detrimental to the child pursuant to subparagraph (A), (B), (C), (D), or (E), it shall state its reasons in writing or on the record.

(2) The court shall not terminate parental rights if at each and every hearing at which the court was required to consider reasonable efforts or services, the court has found that reasonable efforts were not made or that reasonable services were not offered or provided.

(3) If the court finds that termination of parental rights would not be detrimental to the child pursuant to paragraph (1) and that the child has a probability for adoption but is difficult to place for adoption and there is no identified or available prospective adoptive parent, the court may identify adoption as the permanent placement goal and without terminating parental rights, order that efforts be made to locate an appropriate adoptive family for the child within a period not to exceed 180 days. During this 180-day period, the public agency responsible for seeking adoptive parents for each child shall, to the extent possible, ask each child who is 10 years of age or older to identify any individuals who are important to the child, to identify potential adoptive parents. The public agency may ask any child who is younger than 10 years of age to provide that information, as appropriate. During the 180-day period, the public agency shall, to the extent possible, contact other private and public adoption agencies regarding the availability of the child for adoption. During the 180-day period,

the public agency shall conduct the search for adoptive parents in the same manner as prescribed for children in Sections 8708 and 8709 of the Family Code. At the expiration of this period, another hearing shall be held and the court shall proceed pursuant to paragraph (1), (3), or of subdivision (b). For purposes of this section, a child may only be found to be difficult to place for adoption if there is no identified or available prospective adoptive parent for the child because of the child's membership in a sibling group, or the presence of a diagnosed medical, physical, or mental handicap, or the child is the age of seven years or more.

(4)(A) If the court finds that adoption of the child or termination of parental rights is not in the best interest of the child, because one of the conditions in subparagraph (A), (B), (C), (D), or (E) of paragraph (1) or in paragraph (2) applies, the court shall either order that the present caretakers or other appropriate persons shall become legal guardians of the child or order that the child remain in long-term foster care. Legal guardianship shall be considered before long-term foster care, if it is in the best interests of the child and if a suitable guardian can be found. ~~\*\*\*~~A child who is 10 years of age or older who is placed in a group home shall be asked to identify any individuals who are important to the child to identify potential guardians. The agency may ask any child who is younger than 10 years of age to provide that information, as appropriate.

(B) If the child is living with a relative or a foster parent who is willing and capable of providing a stable and permanent environment, but not willing to become a legal guardian, the child shall not be removed from the home if the court finds the removal would be seriously detrimental to the emotional well-being of the child because the child has substantial psychological ties to the relative caretaker or foster parents. The court shall also make an order for visitation with the parents or guardians unless the court finds by a preponderance of the evidence that the visitation would be detrimental to the physical or emotional well-being of the child.

(5) If the court finds that the child should not be placed for adoption, that legal guardianship shall not be established, and that there are no suitable foster parents except exclusive-use homes available to provide the child with a stable and permanent environment, the court may order the care, custody, and control of the child transferred from the county welfare department to a licensed foster family agency. The court shall consider the written recommendation of the county welfare director regarding the suitability of the transfer. The transfer shall be subject to further court orders.

The licensed foster family agency shall place the child in a suitable licensed or exclusive-use home which has been certified by the agency as meeting licensing standards. The licensed foster family agency shall be responsible for supporting the child and for providing appropriate services to the child, including those services ordered by the court. Responsibility for the support of the child shall not, in and of itself, create liability on the part of the foster family agency to third persons injured by the child. Those children whose care, custody, and control are transferred to a foster family agency shall not be eligible for foster care maintenance payments or child welfare services, except for emergency response services pursuant to Section 16504.

(d) The proceeding for the appointment of a guardian for a child who is a dependent of the juvenile court shall be in the juvenile court. If the court finds pursuant to this section that legal guardianship is the appropriate permanent plan,



it shall appoint the legal guardian and issue letters of guardianship. The assessment prepared pursuant to subdivision (g) of Section 361.5, subdivision (i) of Section 366.21, and subdivision (b) of Section 366.22 shall be read and considered by the court prior to the appointment, and this shall be reflected in the minutes of the court. The person preparing the assessment may be called and examined by any party to the proceeding.

(e) The proceeding for the adoption of a child who is a dependent of the juvenile court shall be in the juvenile court if the court finds pursuant to this section that adoption is the appropriate permanent plan and the petition for adoption is filed in the juvenile court. Upon the filing of a petition for adoption, the juvenile court shall order that an adoption hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted. The full report required by Section 8715 of the Family Code shall be read and considered by the court prior to the adoption and this shall be reflected in the minutes of the court. The person preparing the report may be called and examined by any party to the proceeding. It is the intent of the Legislature, pursuant to this subdivision, to give potential adoptive parents the option of filing in the juvenile court the petition for the adoption of a child who is a dependent of the juvenile court. Nothing in this section is intended to prevent the filing of a petition for adoption in any other court as permitted by law, instead of in the juvenile court.

(f) At the beginning of any proceeding pursuant to this section, if the child or the parents are not being represented by previously retained or appointed counsel, the court shall proceed as follows:

(1) The court shall consider whether the interests of the child require the appointment of counsel. If the court finds that the interests of the child do require this protection, the court shall appoint counsel to represent the child. If the court finds that the interests of the child require the representation of counsel, counsel shall be appointed whether or not the child is able to afford counsel. A child ~~\*\*\*~~under 10 years of age may not be present in court unless the child or the child's counsel so requests or the court so orders.

(2) If a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless this representation is knowingly and intelligently waived. The same counsel shall not be appointed to represent both the child and his or her parent. The public defender or private counsel may be appointed as counsel for the parent.

(3) Private counsel appointed under this section shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. The amount shall be paid by the real parties in interest, other than the child, in any proportions the court deems just. However, if the court finds that any of the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.

(g) The court may continue the proceeding for not to exceed 30 days as necessary to appoint counsel, and to enable counsel to become acquainted with the case.

(h)(1) At all proceedings under this section, the court shall consider the wishes of the child and shall act in the best interests of the child.

(2) If the child is 10 years of age or older and is not present at a hearing held pursuant to this section, the court shall determine whether the minor was properly

notified of his or her right to attend the hearing and inquire as to the reason why the child is not present.

(3)(A) The testimony of the child may be taken in chambers and outside the presence of the child's parent or parents if the child's parent or parents are represented by counsel, the counsel is present, and any of the following circumstances exist:

(i) The court determines that testimony in chambers is necessary to ensure truthful testimony.

(ii) The child is likely to be intimidated by a formal courtroom setting.

(iii) The child is afraid to testify in front of his or her parent or parents.

(B) After testimony in chambers, the parent or parents of the child may elect to have the court reporter read back the testimony or have the testimony summarized by counsel for the parent or parents.

(C) The testimony of a child also may be taken in chambers and outside the presence of the guardian or guardians of a child under the circumstances specified in this subdivision.

(i) Any order of the court permanently terminating parental rights under this section shall be conclusive and binding upon the child, upon the parent or parents and upon all other persons who have been served with citation by publication or otherwise as provided in this chapter. After making the order, the court shall have no power to set aside, change, or modify it, but nothing in this section shall be construed to limit the right to appeal the order.

(j) If the court, by order or judgment declares the child free from the custody and control of both parents, or one parent if the other does not have custody and control, the court shall at the same time order the child referred to the State Department of Social Services or a licensed adoption agency for adoptive placement by the agency. However, no petition for adoption may be granted until the appellate rights of the natural parents have been exhausted. The State Department of Social Services or licensed adoption agency shall be responsible for the custody and supervision of the child and shall be entitled to the exclusive care and control of the child at all times until a petition for adoption is granted. With the consent of the agency, the court may appoint a guardian of the child, who shall serve until the child is adopted.

(k) Notwithstanding any other provision of law, the application of any person who, as a relative caretaker or foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the relative caretaker or foster parent and removal from the relative caretaker or foster parent would be seriously detrimental to the child's emotional well-being.

As used in this subdivision, "preference" means that the application shall be processed and, if satisfactory, the family study shall be completed before the processing of the application of any other person for the adoptive placement of the child.

(1)(1) An order by the court that a hearing pursuant to this section be held is not appealable at any time unless all of the following applies:

(A) A petition for extraordinary writ review was filed in a timely manner.

(B) The petition substantively addressed the specific issues to be challenged and supported that challenge by an adequate record.

(C) The petition for extraordinary writ review was summarily denied or otherwise not decided on the merits.

(2) Failure to file a petition for extraordinary writ review within the period specified by rule, to substantively address the specific issues challenged, or to support that challenge by an adequate record shall preclude subsequent review by appeal of the findings and orders made pursuant to this section.

(3) The Judicial Council shall adopt rules of court, effective January 1, 1995, to ensure all of the following:

(A) A trial court, after issuance of an order directing a hearing pursuant to this section be held, shall advise all parties of the requirement of filing a petition for extraordinary writ review as set forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall be made orally to a party if they are present at the time of the making of the order or by first-class mail by the clerk of the court to the last known address of a party not present at the time of the making of the order.

(B) The prompt transmittal of the records from the trial court to the appellate court.

(C) That adequate time requirements for counsel and court personnel exist to implement the objective of this subdivision.

(D) That the parent or guardian, or their trial counsel or other counsel, is charged with the responsibility of filing a petition for extraordinary writ relief pursuant to this subdivision.

(4) The intent of this subdivision is to do both of the following:

(A) Make every reasonable attempt to achieve a substantive and meritorious review by the appellate court within the time specified in Sections 366.21 and 366.22 for holding a hearing pursuant to this section.

(B) Encourage the appellate court to determine all writ petitions filed pursuant to this subdivision on their merits.

(5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this section is issued on or after January 1, 1995.

(m) Except for subdivision (j), this section shall also apply to minors adjudged wards pursuant to Section 727.31.

SEC. 8. Section 366.3 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 366.3 >>

366.3. (a) If a juvenile court orders a permanent plan of adoption or legal guardianship pursuant to Section 360 or 366.26, the court shall retain jurisdiction over the child until the child is adopted or the legal guardianship is established, except as provided for in Section 366.29. The status of the child shall be reviewed every six months to ensure that the adoption or legal guardianship is completed as expeditiously as possible. When the adoption of the child has been granted, the court shall terminate its jurisdiction over the child. Following establishment of a legal guardianship, the court may continue jurisdiction over the child as a dependent child of the juvenile court or may terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the legal guardianship, as authorized by Section 366.4. If, however, a relative of the child is appointed the legal guardian of the child and the child has been placed with the relative for at least 12 months, the court shall, except if the relative guardian objects, or upon a finding of exceptional circumstances, terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship, as authorized by Section 366.4. Following a termination of parental rights the parent or parents shall not be a party to, or receive notice of, any subsequent proceedings regarding the child.

(b) If the court has dismissed dependency jurisdiction following the establishment of a legal guardianship, or no dependency jurisdiction attached because of the granting of a legal guardianship pursuant to Section 360, and the legal guardianship is subsequently revoked or otherwise terminated, the county department of social services or welfare department shall notify the juvenile court of this fact. The court may vacate its previous order dismissing dependency jurisdiction over the child.

Notwithstanding Section 1601 of the Probate Code, the proceedings to terminate a legal guardianship that has been granted pursuant to Section 360 or 366.26 shall be held in the juvenile court, unless the termination is due to the emancipation or adoption of the child. Prior to the hearing on a petition to terminate legal guardianship pursuant to this paragraph, the court shall order the county department of social services or welfare department to prepare a report, for the court's consideration, that shall include an evaluation of whether the child could safely remain in the legal guardian's home, without terminating the legal guardianship, if services were provided to the child or legal guardian. If applicable, the report shall also identify recommended services to maintain the legal guardianship and set forth a plan for providing those services. If the petition to terminate legal guardianship is granted, the juvenile court may resume dependency jurisdiction over the child, and may order the county department of social services or welfare department to develop a new permanent plan, which shall be presented to the court within 60 days of the termination. If no dependency jurisdiction has attached, the social worker shall make any investigation he or she deems necessary to determine whether the child may be within the jurisdiction of the juvenile court, as provided in Section 328.

Unless the parental rights of the child's parent or parents have been terminated, they shall be notified that the legal guardianship has been revoked or terminated and shall be entitled to participate in the new permanency planning hearing. The court shall try to place the child in another permanent placement. At the hearing, the parents may be considered as custodians but the child shall not be returned to the parent or parents unless they prove, by a preponderance of the evidence, that reunification is the best alternative for the child. The court may, if it is in the best interests of the child, order that reunification services again be

provided to the parent or parents.

(c) If, following the establishment of a legal guardianship, the county welfare department becomes aware of changed circumstances that indicate adoption may be an appropriate plan for the child, the department shall so notify the court. The court may vacate its previous order dismissing dependency jurisdiction over the child and order that a hearing be held pursuant to Section 366.26 to determine whether adoption or continued legal guardianship is the most appropriate plan for the child. The hearing shall be held no later than 120 days from the date of the order. If the court orders that a hearing shall be held pursuant to Section 366.26, the court shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services if it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment under subdivision (b) of Section 366.22.

(d) If the child is in a placement other than the home of a legal guardian and jurisdiction has not been dismissed, the status of the child shall be reviewed at least every six months. The review of the status of a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption shall be conducted by the court. The review of the status of a child for whom the court has not ordered parental rights terminated and who has not been ordered placed for adoption may be conducted by the court or an appropriate local agency. The court shall conduct the review under the following circumstances:

- (1) Upon the request of the child's parents or legal guardians.
- (2) Upon the request of the child.
- (3) It has been 12 months since a hearing held pursuant to Section 366.26 or an order that the child remain in long-term foster care pursuant to Section 366.21, 366.22, 366.26, or subdivision (g).
- (4) It has been 12 months since a review was conducted by the court.

The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

(e) Except as provided in subdivision (f), at the review held every six months pursuant to subdivision (d), the reviewing body shall inquire about the progress being made to provide a permanent home for the child, shall consider the safety of the child, and shall determine all of the following:

- (1) The continuing necessity for and appropriateness of the placement.
- (2) Identification of individuals other than the child's siblings who are important to a child who is 10 years of age or older who is not placed with a relative, and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older who is not placed with a relative to identify individuals other than the child's siblings who are important to the child, and may ask any child who is younger than 10 years of age to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.
- (3) The continuing appropriateness and extent of compliance with the permanent

plan for the child, including efforts to maintain relationships between the child and individuals who are important to the child and efforts to identify a prospective adoptive parent or legal guardian, including, but not limited to, child specific recruitment efforts and listing on an adoption exchange.

(4) The extent of the agency's compliance with the child welfare services case plan in making reasonable efforts to return the child to a safe home and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child pursuant to Section 361.

(6) The adequacy of services provided to the child. The court shall consider the progress in providing the information and documents to the child, as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in paragraphs (3) and (4) of subdivision (b) of Section 391.

(7) The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

(8) The likely date by which the child may be returned to and safely maintained in the home, placed for adoption, legal guardianship, or in another planned permanent living arrangement.

(9) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

The factors the court may consider as indicators of the nature of the child's sibling relationships include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(10) For a child who is 16 years of age or older, the services needed to assist the child to make the transition from foster care to independent living.

The reviewing body shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

Each licensed foster family agency shall submit reports for each child in its care, custody, and control to the court concerning the continuing appropriateness and extent of compliance with the child's permanent plan, the extent of compliance with the case plan, and the type and adequacy of services provided to the child.

Unless their parental rights have been permanently terminated, the parent or parents of the child are entitled to receive notice of, and participate in, those hearings. It shall be presumed that continued care is in the best interests of the child, unless the parent or parents prove, by a preponderance of the evidence, that further efforts at reunification are the best alternative for the child. In those cases, the court may order that further reunification services to return the child to a safe home environment be provided to the parent or parents for a period not to exceed six months.

(f) At the review conducted by the court and held at least every six months, regarding a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, the county welfare department shall prepare and present to the court a report describing the following:

(1) The child's present placement.

(2) The child's current physical, mental, emotional, and educational status.

(3) If the child has not been placed with a prospective adoptive parent or guardian, identification of individuals who are important to the child and actions necessary to maintain the child's relationship with those individuals. The agency shall ask every child who is 10 years of age or older to identify any individuals who are important to him or her, consistent with the child's best interest, and may ask any child who is younger than 10 years of age to provide that information as appropriate. The agency shall make efforts to identify other individuals who are important to the child.

(4) Whether the child has been placed with a prospective adoptive parent or parents.

(5) Whether an adoptive placement agreement has been signed and filed.

(6) If the child has not been placed with a prospective adoptive parent or parents, the efforts made to identify an appropriate prospective adoptive parent or legal guardian, including, but not limited to, child specific recruitment efforts and listing on an adoption exchange.

(7) Whether the final adoption order should include provisions for postadoptive sibling contact pursuant to Section 366.29.

(8) The progress of the search for an adoptive placement if one has not been identified.

(9) Any impediments to the adoption or the adoptive placement.

(10) The anticipated date by which the child will be adopted, or placed in an adoptive home.

(11) The anticipated date by which an adoptive placement agreement will be signed.

(12) Recommendations for court orders that will assist in the placement of the child for adoption or in the finalization of the adoption.

The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

The court shall make appropriate orders to protect the stability of the child and to facilitate and expedite the permanent placement and adoption of the child.

(g) At the review held pursuant to subdivision (d) for a child in long-term foster care, the court shall consider all permanency planning options for the child including whether the child should be returned to the home of the parent, placed for adoption, or appointed a legal guardian, or\*\*\*, if compelling reasons exist for finding that none of the foregoing options are in the best interest of the child, whether the child should be placed in another planned permanent living arrangement. The court shall order that a hearing be held pursuant to Section 366.26 unless it determines by clear and convincing evidence, that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is being returned to the home of the parent, the child is not a proper subject for adoption, or no one is willing to accept legal guardianship. If the licensed county adoption agency, or the department when it is acting as an adoption agency in counties that are not served by a county adoption agency, has determined it is unlikely that the child will be adopted or one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, that fact shall constitute a compelling reason for purposes of this subdivision. Only upon that determination may the court order that the child remain in foster care, without holding a hearing pursuant to Section 366.26.

(h) If, as authorized by subdivision (g), the court orders a hearing pursuant to Section 366.26, the court shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment as provided for in subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22. A hearing held pursuant to Section 366.26 shall be held no later than 120 days from the date of the 12-month review at which it is ordered, and at that hearing the court shall determine whether adoption, legal guardianship, or long-term foster care is the most appropriate plan for the child.

SEC. 9. Section 391 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 391 >>

391. At any hearing to terminate jurisdiction over a dependent child who has reached the age of majority the county welfare department shall do both of the following:

(a) Ensure that the child is present in court, unless the child does not wish to



appear in court, or document efforts by the county welfare department to locate the child when the child is not available.

(b) Submit a report verifying that the following information, documents, and services have been provided to the child:

(1) Written information concerning the child's dependency case, including his or her family history and placement history, the whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of the sibling, directions on how to access the documents the child is entitled to inspect under Section 827, and the date on which the jurisdiction of the juvenile court would be terminated.

(2) The following documents, where applicable: social security card, certified birth certificate, identification card, as described in Section 13000 of the Vehicle Code, death certificate of parent or parents, and proof of citizenship or residence.

(3) Assistance in completing an application for Medi-Cal or assistance in obtaining other health insurance; referral to transitional housing, if available, or assistance in securing other housing; and assistance in obtaining employment or other financial support.

(4) Assistance in applying for admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where appropriate.

(5) Assistance in maintaining relationships with individuals who are important to the child, based on the child's best interests.

(c) The court may continue jurisdiction if it finds that the county welfare department has not met the requirements of subdivision (b) and that termination of jurisdiction would be harmful to the best interests of the child. If the court determines that continued jurisdiction is warranted pursuant to this section, the continuation shall only be ordered for that period of time necessary for the county welfare department to meet the requirements of subdivision (b). This section shall not be construed to limit the discretion of the juvenile court to continue jurisdiction for other reasons. The court may terminate jurisdiction if the county welfare department has offered the required services, and the child either has refused the services or, after reasonable efforts by the county welfare department, cannot be located.

(d) The Judicial Council shall develop and implement standards, and develop and adopt appropriate forms, necessary to implement this section.

SEC. 10. Section 10609.4 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 10609.4 >>

10609.4. (a) On or before July 1, 2000, the State Department of Social Services, in consultation with county and state representatives, foster youth, and advocates, shall do both of the following:

(1) Develop statewide standards for the implementation and administration of the

Independent Living Program established pursuant to the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272).

(2) Define the outcomes for the Independent Living Program and the characteristics of foster youth enrolled in the program for data collection purposes.

(b) Each county department of social services shall include in its annual Independent Living Program report both of the following:

(1) An accounting of federal and state funds allocated for implementation of the program. Expenditures shall be related to the specific purposes of the program. Program purposes may include, but are not limited to, all of the following:

(A) Enabling participants to seek a high school diploma or its equivalent or to take part in appropriate vocational training, and providing job readiness training and placement services, or building work experience and marketable skills, or both.

(B) Providing training in daily living skills, budgeting, locating and maintaining housing, and career planning.

(C) Providing for individual and group counseling.

(D) Integrating and coordinating services otherwise available to participants.

(E) Providing each participant with a written transitional independent living plan that will be based on an assessment of his or her needs, that includes information provided by persons who have been identified by the participant as important to the participant, and that will be incorporated into his or her case plan.

(F) Providing participants with other services and assistance designed to improve independent living.

(G) Convening persons who have been identified by the participant as important to him or her for the purpose of providing information to be included in his or her written transitional independent living plan.

(2) A detail of the characteristics of foster youth enrolled in their independent living programs and the outcomes achieved based on the information developed by the department pursuant to subdivision (a).

(c) In consultation with the department, a county may use different methods and strategies to achieve the standards and outcomes of the Independent Living Program developed pursuant to subdivision (a).

(d) In consultation with the County Welfare Directors Association, the California Youth Connection, and other stakeholders, the department shall develop and adopt emergency regulations in accordance with Section 11346.1 of the Government Code that counties shall be required to meet when administering the Independent Living Program and that are achievable within existing program resources. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Initial emergency regulations and the first readoption of those regulations shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the first readoption of those regulations authorized by this subdivision shall be submitted to the Office of Administrative Law for filing with the Secretary of

State and each shall remain in effect for no more than 180 days.

SEC. 11. Section 16206 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 16206 >>

16206. (a) The purpose of the program is to develop and implement statewide coordinated training programs designed specifically to meet the needs of county child protective **services** social workers assigned emergency response, family maintenance, family reunification, permanent placement, and adoption responsibilities. It is the intent of the Legislature that the program include training for other agencies under contract with county welfare departments to provide child welfare services. In addition, the program shall provide training programs for persons defined as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act, Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code. The program shall provide the services required in this section to the extent possible within the total allocation. If allocations are insufficient, the department, in consultation with the grantee or grantees and the Child Welfare Training Advisory Board, shall prioritize the efforts of the program, giving primary attention to the most urgently needed services. However, county child protective **services** social workers assigned emergency response responsibilities shall receive first priority for training pursuant to this act.

(b) The training program shall provide practice-relevant training for mandated child abuse reporters and all members of the child welfare delivery system that will address critical issues affecting the well-being of children, and shall develop curriculum materials and training resources for use in meeting staff development needs of mandated child abuse reporters and child welfare personnel in public and private agency settings.

(c) The training provided pursuant to this section shall include all of the following:

- (1) Crisis intervention.
- (2) Investigative techniques.
- (3) Rules of evidence.
- (4) Indicators of abuse and neglect.
- (5) Assessment criteria, including the application of guidelines for assessment of relatives for placement according to the criteria described in Section 361.3.
- (6) Intervention strategies.
- (7) Legal requirements of child protection, including requirements of child abuse reporting laws.
- (8) Case management.
- (9) Use of community resources.

(10) Information regarding the dynamics and effects of domestic violence upon families and children, including indicators and dynamics of teen dating violence.

(11) Posttraumatic stress disorder and the causes, symptoms, and treatment of posttraumatic stress disorder in children.

(12) The importance of maintaining relationships with individuals who are important to a child in out-of-home placement, including methods to identify those individuals, consistent with the child's best interests, including, but not limited to, asking the child about individuals who are important, and ways to maintain and support those relationships.

(d) The training provided pursuant to this section may also include any or all of the following:

- (1) Child development and parenting.
- (2) Intake, interviewing, and initial assessment.
- (3) Casework and treatment.
- (4) Medical aspects of child abuse and neglect.

(e) Prior to January 1, 1989, the department shall provide the Legislative Analyst and the Select Committee on Children and Youth with a listing of the counties participating in the program, including the number of persons trained in each county.

(f) The training program shall assess the program's performance at least annually and forward it to the State Department of Social Services for an evaluation and report to the Legislative Analyst. The first report shall be forwarded to the Legislative Analyst no later than January 1, 1990, and on the first of January in any subsequent years. The assessment shall include at minimum the following:

- (1) The number of persons trained.
- (2) The type of training provided.
- (3) The degree to which the training is perceived by participants as useful in practice.

(g) The training program shall provide practice-relevant training to county child protective services social workers who screen referrals for child abuse or neglect and for all workers assigned to provide emergency response, family maintenance, family reunification, and permanent placement services. The training shall be developed in consultation with the Child Welfare Training Advisory Board and domestic violence victims' advocates and other public and private agencies that provide programs for victims of domestic violence or programs of intervention for perpetrators.

SEC. 12. Section 16500.1 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 16500.1 >>

16500.1. (a) It is the intent of the Legislature to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, as described in Section 300, to reduce the necessity for removing these children from their home, to encourage speedy reunification of families when it can be safely accomplished, to locate permanent homes and families for children who cannot return to their biological families, to reduce the number of placements experienced by these children, to ensure that children leaving the foster care system have support within their communities, to improve the quality and homelike nature of out-of-home care, and to foster the educational progress of children in out-of-home care.

(b) In order to achieve the goals specified in subdivision (a), the state shall encourage the development of approaches to child protection that do all of the following:

(1) Allow children to remain in their own schools, in close proximity to their families.

(2) Increase the number and quality of foster families available to serve these children.

(3) Use a team approach to foster care that permits the biological and foster family to be part of that team.

(4) Use team decisionmaking in case planning.

(5) Provide support to foster children and foster families.

(6) Ensure that licensing requirements do not create barriers to recruitment of qualified, high quality foster homes.

(7) Provide training for foster parents and professional staff on working effectively with families and communities.

(8) Encourage foster parents to serve as mentors and role models for biological parents.

(9) Use community resources, including community-based agencies and volunteer organizations, to assist in developing placements for children and to provide support for children and their families.

(10) Ensure an appropriate array of placement resources for children in need of out-of-home care.

(11) Ensure that no child leaves foster care without a life-long connection to a committed adult.

(c) In carrying out the requirements of subdivision (b), the department shall do all of the following:

(1) Consider the existing array of program models provided in statute and in practice, including, but not limited to, wraparound services, as defined in Section 18251, children's systems of care, as provided for in Section 5852, the Oregon Family Unity or Santa Clara County Family Conference models, which include family conferences at key points in the casework process, such as when out-of-home placement or return home are considered, and the Annie E. Casey Foundation Family

to Family initiative, which uses team decisionmaking in case planning, community-based placement practices requiring that children be placed in foster care in the communities where they resided prior to placement, and involve foster families as team members in family reunification efforts.

(2) Ensure that emergency response services, family maintenance services, family reunification services, and permanent placement services are coordinated with the implementation of the models described in paragraph (1).

(3) Ensure consistency between child welfare services program regulations and the program models described in paragraph (1).

(d) The department, in conjunction with stakeholders, including, but not limited to, county child welfare services agencies, foster parent and group home associations, the California Youth Connection, and other child advocacy groups, shall review the existing child welfare services program regulations to ensure that these regulations are consistent with the legislative intent specified in subdivision (a). This review shall also determine how to incorporate the best practice guidelines for assessment of children and families receiving child welfare and foster care services, as required by Section 16501.2.

(e) The department shall report to the Legislature on the results of the actions taken under this section on or before January 1, 2002.

SEC. 13. Section 16501.1 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 16501.1 >>

16501.1. (a) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(b) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers as appropriate in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care. A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided. If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) When out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, consistent with the

selection of the environment best suited to meet the child's special needs and best interest, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(d) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social **services** agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(6) When out-of-home placement is made, the case plan shall include provisions for

the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) When out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) When out-of-home services are used, or when parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(9) When out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002.

(10) When out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11)(A) Parents and legal guardians shall have an opportunity to review the case plan, sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be



required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. When out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) When the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(14) When appropriate, for a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child prepare for the transition from foster care to independent living. The case plan shall be developed with the child and individuals identified as important to the child, and shall include steps the agency is taking to ensure that the child has a connection to a caring adult.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. Nothing in this section shall be construed to require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) When a child who is 10 years of age or older has been in out-of-home placement in a group home for six months or longer from the date the child entered foster care, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older who is placed in a group home to identify any

individuals other than the child's siblings who are important to the child, and may ask any child who is younger than 10 years of age to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(j) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 13.1. . \* \* \* [text not included here because section not enacted]

SEC. 13.2. . \* \* \* [text not included here because section not enacted]

SEC. 13.3. . \* \* \* [text not included here because section not enacted]

SEC. 13.4. . \* \* \* [text not included here because section not enacted]

SEC. 13.5. . \* \* \* [text not included here because section not enacted]

SEC. 13.6. . \* \* \* [text not included here because section not enacted]

SEC. 13.7. . \* \* \* [text not included here because section not enacted]

SEC. 14. Section 5.5 of this bill incorporates amendments to Section 366.21 of the Welfare and Institutions Code proposed by both this bill and AB 579. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 366.21 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 579, in which case Section 5 of this bill shall not become operative.

SEC. 15. Section 13.1 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill and SB 591. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, and AB 1151 and AB 490 are not enacted or do not amend that section, (2) each bill amends Section 16501. 1 of the Welfare and Institutions Code, and (3) this bill is enacted after SB 591, in which case Sections 13, 13.2, 13.3, 13.4, 13.5, 13.6, and 13.7 of this bill shall not become operative.

SEC. 16. Section 13.2 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill and AB 1151. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, and SB 591 and AB 490 are not enacted or do not amend that section, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 1151, in which case Sections 13, 13.1, 13.3, 13.4, 13.5, 13.6, and 13.7 of this bill shall not become operative.

SEC. 17. Section 13.3 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill and AB 490. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, and AB 1151 and SB 591 are not enacted or do not amend that section, (2) each bill amends Section 16501. 1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 490, in which case Sections 13, 13.1, 13.2, 13.4, 13.5, 13.6, and 13.7 of this bill shall not become operative.

SEC. 18. Section 13.4 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by this bill, AB 490, and SB 591. It shall only become operative if (1) these three bills are enacted and become effective on or before January 1, 2004, and AB 1151 is not enacted or does not amend that section, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 490 and SB 591, in which case Sections 13, 13.1, 13.2, 13.3, 13.5, 13.6, and 13.7 of this bill shall not become operative.

SEC. 19. Section 13.5 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by this bill, AB 490, and AB 1151. It shall only become operative if (1) these three bills are enacted and become effective on or before January 1, 2004, and SB 591 is not enacted or does not amend that section, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 490 and AB 1151, in which case Sections 13, 13.1, 13.2, 13.3, 13.4, 13.6, and 13.7 of this bill shall not become operative.

SEC. 20. Section 13.6 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by this bill, SB 591, and AB 1151. It shall only become operative if (1) these three bills are enacted and become effective on or before January 1, 2004, and AB 490 is not enacted or does not amend that section, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after SB 591 and AB 1151, in which case Sections 13, 13.1, 13.2, 13.3, 13.4, 13.5, and 13.7 of this bill shall not become operative.

SEC. 21. Section 13.7 of this bill incorporates amendments to Section 16501.1 of the Welfare and Institutions Code proposed by both this bill, SB 591, and AB 490, and AB 1151. It shall only become operative if (1) all four bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 16501.1 of the Welfare and Institutions Code, and (3) this bill is enacted after SB 591, AB 490, and AB 1151, in which case Sections 13, 13.1, 13.2, 13.3, 13.4, 13.5, and 13.6 of this bill shall not become operative. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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